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ABSTRACT

The National Indian Policy Center was established by Congress in 1990 to determine whether an Indian policy research institution could provide Indian tribes, Congress, and federal agencies with information that would contribute to the development of sound Indian policies. The Center is governed by a planning committee of tribal leaders, representatives of Indian organizations, and Indian policy experts. In 1995 the Center initiated a program whereby a weekly memorandum sent by fax or mail informs tribal governments and American Indian and Alaska Native organizations of emerging national policy issues, court decisions, federal rulemaking, upcoming events, and publications and materials of interest. The Center enlarged its collection of documents, policy studies, and data of prospective importance to governmental agencies, and began restructuring its Internet site and exploring how to maximize the benefits of the sites to Indians. The Center published the "Survey of Tribal Actions to Protect Water Quality and the Implementation of the Clean Water Act." Five more commissioned papers were being prepared for publication in 1995, and three major policy forums were supported. In August 1995, a bill was introduced in the U.S. Senate to establish an American Indian Policy Information Center as a successor to the current National Indian Policy Center. (TD)

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September 30, 1995

PURSUING THE CLEARINGHOUSE GOAL

Report of

THE NATIONAL INDIAN POLICY CENTER

For Program Year 1995

Building upon its experiences as a developing institution over its first four years, the National Indian Policy Center in 1995 refined its statement of central purpose toward increasingly fuller accomplishment of its goal of being a clearinghouse of American Indian and Alaska Native policy data and information. On the basis of that definition, the Center expanded its collection of current documents and other materials, and extended its outreach to tribal governments and Indian organizations, research institutions, and state and federal agencies. The Center also gave support to three major policy forums and published the first of several research reports commissioned in 1994.

The statement of purpose adopted in 1995 defines the role of the Center more narrowly, but at the same time requires the Center to continue to broaden its collection of policy information resources: to make information and analyses available to tribal and other governments that would not otherwise be readily available to them, and to sponsor forums and research to accomplish that purpose.

AN EVOLVING INSTITUTION

Beginnings. The Policy Center was established by Congress in 1990 at The George Washington University in Washington, D.C., and was initially charged with determining

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whether a federally chartered Indian policy research institution could provide Indian tribes, Congress, and federal agencies with information that would contribute to the development of sound Indian policies. It was and is governed by a planning committee of tribal leaders, representatives of Indian organizations, and Indian policy experts, and is funded through a cooperative agreement between the Administration for Native Americans in the U.S. Department of Health and Human Services and The George Washington University.

The Center began its work in December of 1990 by undertaking an extensive series of briefings and workshops across the country to solicit the views of Indian tribal representatives and organizations regarding the need for such a center. To assist in this effort, the Planning Committee created seven task forces comprised of tribal leaders, Indian policy experts, and Indian organization leaders. On the basis of their deliberations and their wide consultations, by 1992 the Center had produced and published two foundation documents -- one, a feasibility study, and the other, a set of recommendations for the establishment of a permanent Center. Although bills to establish the Center were not enacted pursuant to the recommendations, the Center was continued as a demonstration project through funding provided by the Administration for Native Americans, with additional support from The George Washington University.

Research reports. Beginning in 1991, the Center commissioned and published its first subject matter reports to demonstrate to the Congress and the Indian community the kinds of Indian policy issues that could be effectively addressed through policy research. By September of 1994, twenty-two reports had been published by the Center addressing issues identified by task forces or requested by Indian organizations.

Some of the reports, such as a study of the impact of proposed amendments to the American Indian Religious Freedom Act, were intended to address pending legislation and, as such, were in high demand until the 103rd Congress adjourned without acting upon the amendments. Other reports, however, have been of sustained interest and demand. These include studies of reservation-based gaming, tribal perspectives on the Impact Aid program, and tribal-state tax conflicts. A 1993 survey of tribal journalists and leaders identified information needs in Indian country that helped shape the current role of the Policy Center.

Information on-line. In 1993 the Center established a gopher site on the George Washington University communications system, and by October of 1994, the clearinghouse databases included the 1980 and 1990 censuses of population and other characteristics of American Indians and Alaska Natives, names and addresses of federally recognized tribal governments, lists of Indian and Alaska Native organizations and their addresses, texts of reports commissioned by the Center, a calendar of major upcoming Indian meetings, and gateways to other sites on the Internet. During a single six-month period more than eight thousand users accessed the databases.

ACCOMPLISHMENTS, 1995

In 1995 the Center's principal innovation was the inauguration of a memorandum sent by fax or mail each week to tribal governments and American Indian and Alaska Native organizations to inform them of emerging national policy issues, court decisions, federal rulemaking, and publications and materials of likely interest. In support of this effort, the Center expanded its networking with other organizations involved in Indian policy research and its collection of policy-related data and information. The Center began to restructure its online information base, and to explore how the Center should work with other Internet providers to maximize the benefit of the Internet to Indian country. The Center also published a major report on tribal implementation of the Clean Water Act, and the Center is now engaged in completion or review of other reports commissioned in 1994. In this period, the Center also provided data and policy information for distribution at three major Indian policy forums.

Providing policy-related information to tribal governments

Fax memoranda Although the Policy Center had used broadcast fax and the postal service to provide information to tribal governments before 1995, there were three reasons for the inauguration this year of a series of periodic memoranda for tribal governments and the use of broadcast fax to reach most of them. First, tribal leaders and tribal communicators surveyed had said the most practical value of a national clearinghouse would be one that provided information on national legislation, actions of federal agencies, and university research, and news stories on Indian policy. Second, the convening of the 104th

Congress led to the announcement of first hearings before the Senate Committee on Indian Affairs and the introduction of new legislation. And third, only 18 tribes of 155 responding to a Center survey said they had computer access to the Internet. As the scope of Congressional activity widened, what had begun as an irregularly periodic memorandum broadcast fax to 448 tribal governments and mailed to 104 others became a weekly, and other American Indian and Alaska Native organizations were added to the distribution.

Concurrent with the development of the weekly policy memoranda for tribal governments, the Center engaged in aggressive outreach to other Indian organizations, research institutes, state commissions on Indians, and other sources of policy information of prospective value.

The weekly one-page memoranda provide tribal governments with concise reports on the status of Congressional legislation, notices from the *Federal Register*, announcements of upcoming meetings, and notices of the availability of policy-related publications. The memoranda inform them that they may obtain additional information from the Policy Center upon request, from their members of Congress, from federal agencies, or from other sources. The Center also offers to answer questions or to direct questioners to persons or agencies that can provide answers. Documents or other materials are provided without cost to the tribal governments or other organizations.

The content of the memoranda sent to tribal governments is strictly informational, neither advocating or opposing bills or regulations or their provisions, leaving those roles to tribal governments and their advocacy organizations. Materials authored by others but made available by the Center may, however, reflect the views of their authoring members of the Congress, cabinet officials, or advocacy organizations.

To obtain continuing advice from tribal governments on their policy information needs, the Center invites all who request materials to identify policy information needs that the Center should be addressing.

Proposed legislation. An illustration of approaches the Center took toward an emerging policy issue is the case of welfare reform. From March through September of 1995, the Center devoted 12 memoranda citations to the proposed block grant legislation, and the potential impacts upon Indian tribes and communities. In March, the Center informed tribal governments that the bills provided for the transformation of many familiar programs -- Aid to Families with Dependent Children, child care and welfare programs, aid for disabled children, and school lunch programs -- into block grants for the states. In succeeding months, the memos reported on the formation of a welfare reform working group of Indian tribes, tribal organizations, and their Washington, D.C. representatives and its preliminary conclusions, informed them that an amendment had been drafted by the Chairman of the Senate Committee on Indian Affairs and informed them of his request for comments on the draft, offered analyses prepared by federal agencies and other authors, and offered testimony tribal governments had delivered at a hearing on the subject. Later memoranda advised tribal governments that an Indian amendment had been incorporated into the final version of the bill, but that an amendment to set aside a fixed percentage for tribes had been rejected by the Senate.

Federal rulemaking. A second kind of policy information communicated through the weekly memoranda is information from the *Federal Register*. Beginning in June of 1995, Center staff employed Internet to access the *Federal Register* to discover any federal rulemaking that might affect or be of interest to tribal governments. Once a notice is identified, the Center advises tribes of the proposed or final regulations affecting them or reports that funds are available for certain categories of activity. Upon the request of a tribe, the Center will make print copies of *Federal Register* notices available to them by facsimile device or by mail. Three recent examples were notices of proposed regulations for unidentified human remains under the Native American Grave Protection and Repatriation Act, the availability of funds for certain Indian education grants, and final forestry regulations of the Bureau of Indian Affairs.

As with pending legislation, the Center does not evaluate proposed regulations, leaving that role to tribal governments and advocacy organizations.

Research reports. Another way in which the weekly memoranda effectively inform tribal governments of prospectively valuable information is by announcing the availability of recent publications produced by other institutes or organizations, as well as those produced by the Center itself. Among the publications of special interest in 1995 were the following publications:

- The Mille Lacs band of Ojibwe publication, *The Permanent Tribal Self-Governance Law*, a reprint of Title II of P.L. 103-413, its legislative history, and a comparison of it with prior law;
- The Office of Technology Assessment report, *Telecommunications Technology and Native Americans: Opportunities and Challenges*, the first federal government report to explore the implications of telecommunications technology for Native American communities;
- The American Psychological Association bibliography, *North American Indians and Alaska Natives: Abstracts of the Psychological and Behavior Literature, 1967-1994*, a rich resource for persons shaping Indian policy, especially on education or social issues; and

  The Policy Center's own commissioned study, *Survey of Tribal Actions to Protect Water Quality and the Implementation of the Clean Water Act*, a comprehensive report of a survey of over 200 tribal governments.

Coming events. A fourth kind of information communicated by the weekly memoranda are announcements of Congressional hearings as they are scheduled and conferences called by American Indian and Alaska Native organizations on policy issues.

Summary. By their response to the weekly memoranda, tribal governments have demonstrated that the policy information offered is of value to them. In the first five months, 135 tribes requested and received 577 documents from the Center. Typical of the notes of appreciation received by the Center was the fax from the Tribal Administrator of the Lower Sioux Indian Community in Minnesota: "We would like to thank you for all of the information we receive from your memos. Keep up the good work."

Providing information to other levels of government

In 1995 the Policy Center undertook to enlarge its collection of current documents, policy studies, and statistical data of prospective importance to state and federal agencies and to the Congress in order to perform a clearinghouse function for these other levels or branches of government.

In this undertaking, as with its services to tribal governments, the Center is seeking to identify and obtain only those policy information resources not readily available elsewhere. That goal implies that the Center must know what other institutions have and be prepared to refer questioners to those other institutions.

Other institutions. Accordingly, the Center obtained guides to the very extensive collection of Indian law and policy materials of the National Indian Law Library in Boulder, Colorado, and to the large collection of materials of the Native American Research Information Service at Norman, Oklahoma. Center staff also are informed of specialized collections, such as current materials on indigenous peoples elsewhere in the world at the National Indian Law Center in Helena, Montana, and Washington, D. C., and of the general collections of Native American studies centers at several universities.

State commissions on Indians. Through outreach to state commissions on Indians, the Center is at once becoming informed of important data and information on Indian populations within their states and providing information upon request to the commissions.

Congress. Requests from Congressional offices were not numerous during this year, but materials were provided on social and economic circumstances of American Indians and Alaska Natives, on the acreage given up by tribes since the arrival of Europeans, a tabulation of trust acreage by state, and inquiries about what Indian organizations to call for specific kinds of information. Such requests may be expected to continue to increase as the resources of the Policy Center become better known.

Federal agencies. Similarly, federal agency requests were relatively few in number, even though information about American Indians is scarce in many agencies. In 1995, the Center provided factual information or documents to, among others, the Office of Management and Budget, the Environmental Protection Agency, the Office of Surface Mining, the Congressional Research Service, and, on one occasion, the Bureau of Indian Affairs.

Providing policy information to others

Although policy-related documents were mailed upon request to scholars and students, it is the Center's site on the Internet that is the source of most of the information they receive. As 1995 was drawing to a close, the Policy Center was restructuring its menu and exploring with other Indian organizations how cooperative action might maximize the benefits of the sites to Indian country.

COMMISSIONING AND PUBLISHING RESEARCH

Clean Water Act study. Of the sixteen papers commissioned by the Policy Center in 1944, the first to be published was *Survey of Tribal Actions to Protect Water Quality and the Implementation of the Clean Water Act*. Although copies of a draft of this report, prepared by Gover, Stetson, and Williams, P.C., were reproduced for use at a major water policy conference late in 1994, the final version was published in May, 1995. Over one thousand copies were distributed to tribal governments, organizations, agencies, and persons. This survey of over 200 tribal governments disclosed that at least 101 tribes and the Environmental Protection Agency were involved in 1994 in a wide range of water quality protection initiatives, but the slow pace of development had left many tribes essentially unprotected from water pollution; and that, where implemented, Section 518 of the Clean Water Act has enabled tribes to improve water quality on their reservations. The authors found no evidence that tribes were applying regulatory authority unfairly in any way.

Publication of the report was considered timely, inasmuch as the 104th Congress was considering reauthorization of the Clean Water Act and changes were being proposed to Section 518.

NAGPRA. Five papers commissioned by the Center were being prepared for publication in September 1995. The papers, which are to be published by the American Indian Ritual Object Repatriation Foundation as part of a larger volume, are:

The Native American Graves Protection and Repatriation Act, by Jack S. Trope, Esq.;
Repatriation Options and Process under the NAGPRA, by Rosita Worl (Tlingit);
Building a Tribal Repatriation Program: Options for Exercising Sovereignty, by Dean B. Suagee, Esq. (Cherokee);
Museum Perspectives from Within: A Native View, by B. Lynne Harlan (Cherokee);
Reflections of a Native American Repatriator, by Richard Hill, Sr. (Tuscarora).

Other papers. Most of the other research commissioned by the Center was awaiting editorial review before publication, but three had not been completed as the program year ended. These nine papers are:

Civil Rights in Indian Country - Tribal Court Decisions 1988-92, by Jane Marx, Esq.;
Federal Role in the Development and Use of Tribal Governing Documents, by Ellen R. Kemper, Esq.;
Long Term Care for Tribal Elders, by the National Indian Council on Aging;
Native Language Communities: A Descriptive Study of Two Community Efforts to Preserve Their Native Language, by Christine Sims (Acoma Pueblo);
A Review Assessment of the Impact of Health and Human Service Codes and Regulations of American Indian and Alaska Native Nations, by Carol Chiago Lujan; Ph.D. (Navajo);
Schools, Parents, and Tribes: Partnership for Indian Student Success, by the American Indian Research and Development, Inc.;

Federal Financing Opportunities for Economic Development in Indian Country, by Gover, Stetson, and Williams, P.C.;

Tribal Court Study, by Rochelle Ducheneaux and Associates;

Federal Responsibility in Indian Education, by Suzan Shown Harjo (Muskogee Creek);

History of the Administration of Indian Affairs Responsibilities in the U.S. Congress, by Suzan Shown Harjo (Muskogee Creek).

Owing to limited funding and the uncertain duration of the Policy Center's life, additional research had not been commissioned through the end of the program year.

Sponsoring or supporting forums on policy issues

Although no forums were directly sponsored by the Policy Center during 1995, the Center provided copies of publications and materials relevant to the focus of policy conferences sponsored by the National Advisory Council on Indian Education/the National Indian Education Association/the National Congress of American Indians; the National Tribal Environmental Council; and by the American Indian Resources Institute/National Congress of American Indians. The Center also provided limited logistical support.

THE POLICY CENTER'S FUTURE

In September, 1995, the Policy Center's request for a no-cost extension of its 1994 grant was approved by the Administration for Native Americans for a period ending March 31, 1996. Future activities will be dependent upon acquisition of additional funding, and such funding may be dependent upon enactment of authorizing legislation.

In June, 1995, the National Congress of American Indians adopted a resolution urging the introduction of legislation to establish an American Indian Policy Information Center as a successor to the present National Indian Policy Center, and in August, Senator Daniel K. Inouye introduced a bill to establish such a Center. His bill, S. 1159, was co-sponsored by Senators Ben Nighthorse Campbell, Kent Conrad, and Paul Simon.

The functions provided for in the bill are those the Center has been performing. Governance of the new Center would be lodged in a board of directors of fifteen persons, twelve of whom would be tribal leaders named from each of the Bureau of Indian Affairs administrative areas, to be appointed by the Secretary of Health and Human Services. The Center would continued to be located at the George Washington University for a two-year period, at which time the directors would consider a new host institution.

Consistent with policy for the current National Indian Policy Center, the proposed American Indian Policy Information Center would be prohibited from advocating policy positions or taking actions that might be construed as interfering with the government-to-government relationship of tribes to the Federal government.

The Planning Committee of the current Center was consulted by Senator Inouye in the development of S. 1159, and supports its enactment. Members of the Planning Committee are:

W. Ron Allen, Jamestown S'Klallam
Lorena Zah-Bahe, Navajo
Joe Byrd, Cherokee
gaiashkibos, Lac Courte Oreilles
Keller George, Oneida
David Lester, Creek
Virgil Moorehead, Big Lagoon Rancheria
Michael Pablo, Confederated Salish and Kootenai
Regis Pecos, Cochiti Pueblo
Margarett Perez, Ft. Peck Assiniboine
Irwin Price, GW University
Lois Risling, Hoopa Valley
Karen Swisher, Standing Rock Sioux
Edward Thomas, Tlingit
Eddie Tullis, Poarch Band of Creek
Susan Williams, Sisseton Dakota